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ABSTRACT

Discriminatory treatment based on sex by schools, colleges, and other institutions receiving Federal education aid is illegal in the United States according to Title IX of the Education Amendments of 1972. This brochure provides a practical guide to filing a Title IX complaint. A list of addresses where Title IX complaints can be filed is included. (Author/AM)

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# Anyone's Guide to Filing a Title IX Complaint

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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Different treatment based on a person's sex by schools, colleges and other institutions receiving federal education aid is illegal in the United States under Title IX of the Education Amendments of 1972.

The U.S. Department of Health, Education and Welfare (HEW) is charged with making sure that schools and colleges stop discriminating because of a person's sex. But HEW's civil rights office depends on citizens around the country to let it know when these institutions may be breaking the law.

If you believe your school is treating students or employees unfairly on account of their sex, you might want to go directly to school authorities and ask them to change. If that approach doesn't work, or you would rather go to the government first (which is your right), here's how to ask HEW for help.

## Who Can File a Title IX Complaint?

Anybody—an individual citizen or a group—can ask HEW to check into possible violations of Title IX. Both students and employees are directly protected by the law, and can file charges, known as "complaints."

However, you don't have to be a victim of discrimination yourself to file a complaint. Parents, community organizations and ordinary interested citizens may ask HEW to investigate possible violations.

One more point. If you are concerned that you might be harassed if you alone file a complaint (employers sometimes give workers trouble to persuade them to withdraw their complaints), try to get an organization in your area to file for you. Local chapters of such groups as the National Organization for Women (NOW), the American Civil Liberties Union (ACLU), the American Association of University Women (AAUW), and the Women's Equity Action League (WEAL) might be willing to press your case. In any event, harassment itself is a violation of Title IX. If you are harassed be sure to tell HEW to add that charge to your complaint.

## Is There a Deadline?

Generally, you must file a Title IX complaint within 180 days after the discrimination occurs. But, if the discrimination is ongoing—certain classes are closed to boys or girls, or the girls' athletics program is inferior to the boys'—you can file a complaint at any time.

## Is There a Required Form?

No. A letter to HEW's Office for Civil Rights explaining why you believe your school or college is violating the law is all it takes. You have to include certain basic information which HEW needs to proceed with its investigation. Sometimes HEW will send back a form for you to complete to provide that information, but usually a letter is enough.

A recent court order set standards for HEW's investigation of complaints, including what information HEW must have to consider a complaint "complete." Although HEW must give you a reasonable chance to fill in any missing details from an "incomplete" complaint, you will save yourself time and effort if you include all the necessary information in your first letter.

Here's what *must* be in your letter:

- The name and address of the school district, college or other institution you believe is discriminating by sex;
- A general description of the person or persons suffering from that discrimination (you don't have to give HEW names or addresses, although, if there are only one or two victims of specific acts of discrimination, it would be helpful if you did);
- The approximate date the discrimination happened, or if it's still going on;
- Your name, address, and, if possible, a telephone number where you can be reached during the day;
- Enough information about the discrimination for HEW to understand what happened.

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In addition to those basic requirements, it's a good idea to give HEW the names, addresses and telephone numbers of others who may have additional information about the charges. Explain why HEW should talk with them. Also, if you know about written sources of information—student or employee manuals, or school board budget documents that might help HEW in its investigation, you should call them to HEW's attention.

If your complaint involves an emergency—you or someone else is about to be fired or suspended from school, for instance—label it so, and ask HEW to act fast. HEW doesn't have to move faster in emergencies, but knowledge that prompt action could keep someone from serious academic or financial injury might prod the government into a quicker response.

HEW is required to keep you informed about the progress and results of its investigation. If the government turns up information that goes against your charges, you must be given a chance to counter it with evidence of your own. You also must be given a copy of the formal "letter of findings" from the investigation. *If you request them,* HEW must give you copies of its correspondence with the school or college you complained about concerning what must be done to correct any violations HEW found.

A sample letter including all these points is on page four.

## Where Do I Send the Complaint?

Address your letter to the director of the HEW regional Office for Civil Rights with jurisdiction over your state (see page three).

You might also want to send copies to your representatives and senators in Congress, the members of the school board or board of trustees, local newspapers and local organizations which might be interested—unless you want your identity as the person who filed the complaint to be kept confidential.

Send PEER a copy of your complaint. Unfortunately, we can't offer much assistance to individuals; there just aren't enough of us to go around. But we can push HEW for stronger enforcement in general if we know better what's happening around the country.

## What About Privacy?

HEW is supposed to keep confidential the identity of the person or group who files a complaint, unless this information must be disclosed during the course of an investigation.

But if you want your name withheld, it's a good idea to stress that in your letter to HEW. And ask HEW to tell you in advance if there are plans to reveal your name.

On the other hand, publicity can often work to your advantage. Individuals and groups can sometimes pressure institutions into quickly changing unfair practices simply by generating interest in the charges. Sometimes those changes occur before HEW has a chance to investigate.

## What if There's More Than One Instance of Discrimination?

If you believe there's a pattern of discrimination against girls and women throughout the school, school district or college, say so in the complaint. Describe each kind of discrimination, and ask HEW to look into them all.

Even if you just want to end one particular discrimination problem—someone has been barred from a course because of her sex, for instance—try to show it's not an isolated incident. Your case will be stronger if you can show a general pattern of unfair treatment of women and girls (or men and boys).

## What Will HEW Do with the Complaint?

Until October 1979 HEW is required by a court order to work to eliminate a large backlog of uninvestigated civil rights complaints. Since resolving the complaints already on hand is HEW's first priority until then, your complaint may or may not get immediate attention.

Once HEW does get to your complaint, the court order sets out strict timetables for resolving it. The timeframes cover the entire country and complaints against both school districts and colleges. Here's how the process will work:

After receiving your complaint letter, HEW must promptly write you back acknowledging it. If HEW needs more information to begin an investigation, the letter to you must spell out what is required.

Once your complaint is "complete," HEW will tell you if it will be investigated immediately, or some time in the future. DON'T GIVE UP! HEW will get around to your case, and when it does you will be asked if you are still interested. HEW probably won't go ahead unless you say so, but remember: The government does the investigating; you need only get involved as much as you wish. Also, there are others coming along behind you who are also being discriminated against. You can help them merely by telling HEW to proceed; it takes no more than a 13-cent stamp.

If you happen to move, while telling your friends the news, send a letter to HEW, too. Explain that you're still interested in seeing your complaint resolved, and include your new address.

When HEW begins an investigation, it has 90 days to determine if the school or college complained about is in fact violating the law. If you wish, you have the right to be interviewed, and to have HEW talk with anyone else who might know about the

discrimination. You also must be given a chance (if you desire) to challenge any conclusions reached by HEW that conflict with your charges.

HEW must give you a copy of its formal "letter of findings" to the institution. After that HEW has 90 days in which to negotiate an agreement with the institution to correct any violations. You must be kept advised about the status of the negotiations and the corrective action being sought. *If you request it,* HEW must give you copies of correspondence with the institution concerning the negotiations.

If HEW agrees to accept less than you would like to correct a violation, HEW must let you make your case for stronger corrective action.

At the end of the negotiation period, if HEW has not been able to settle the case, it has 30 days in which to begin formal enforcement proceedings that could lead to that institution losing its federal money.

HEW may stretch these timeframes if a necessary witness is unavailable due to summer vacation. But under no circumstances may HEW delay more than 30 days after the end of summer recess.

## Is It Worth It to File a Complaint?

You alone can decide, but there are some very good reasons for doing so.

- If you have been pressuring a school district or college to end sex-biased practices and have met strong opposition to change, then sometimes the act of filing a complaint with the government will break that resistance.
- HEW does carry a lot of weight when it does an investigation. It *can* cut off federal dollars to a school district or college that refuses to change.
- HEW's estimation of the public demand for an end to sex discrimination in education is based in large part on the number of Title IX complaints filed. The more complaints HEW receives, the more likely it is that HEW will devote greater energy and resources to enforcing Title IX.

Remember: filing a complaint need not require that you spend a lot of time. HEW must let you get involved if you choose, but if you would prefer to keep a low profile and let HEW do it all, that's okay, too.

## Where to Send Your Complaint

**REGION I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont**
John G. Bynoe, Director
Office for Civil Rights, DHEW
140 Federal St., 14th Floor
Boston, Mass. 02110
(617) 223-6397

**REGION II: New Jersey, New York, Puerto Rico, Virgin Islands**
William R. Valentine, Acting Director
Office for Civil Rights, DHEW
Room 33-130
26 Federal Plaza
New York, N.Y. 10007
(212) 264-4633

**REGION III: Delaware, Maryland, Pennsylvania, Virginia, Washington, D.C., West Virginia**
Dewey Dodds, Director
Office for Civil Rights, DHEW
3535 Market St., P.O. Box 13716
Philadelphia, Pa. 19101
(215) 596-6771

**REGION IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee**
William Thomas, Director
Office for Civil Rights, DHEW
101 Marietta St., N.W.
Atlanta, Ga. 30323
(404) 221-2954

**REGION V:**
**— Illinois, Minnesota, Wisconsin**
Kenneth A. Mines, Director
Office for Civil Rights, DHEW
300 South Wacker Dr., 8th Floor
Chicago, Ill. 60606
(312) 353-2520

**— Michigan, Ohio, Indiana**
Ortha Barr, Chief, Elementary and Secondary Education*
Office for Civil Rights, DHEW
55 Erieview Plaza, Room 222
Cleveland, Ohio 44114
(216) 522-4970

**REGION VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas**
Dorothy Stuck, Director
Office for Civil Rights, DHEW
1200 Main Tower Building, 19th Floor
Dallas, Texas 75202
(214) 767-3951

**REGION VII: Iowa, Kansas, Missouri, Nebraska**
Taylor D. August, Director
Office for Civil Rights, DHEW
1150 Grand Ave., 7th Floor
Kansas City, Mo. 64106
(816) 374-2474

**REGION VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming**
Gilbert D. Roman, Director
Office for Civil Rights, DHEW
1961 Stout St.
Denver, Co. 80294
(303) 837-2025

**REGION IX: Arizona, California, Hawaii, Nevada**
Floyd L. Pierce, Director
Office for Civil Rights, DHEW
100 Van Ness Ave., 14th Floor
San Francisco, Ca. 94102
(415) 556-8586

**REGION X: Alaska, Idaho, Oregon, Washington**
Marlaina Kiner, Director
Office for Civil Rights, DHEW
1321 Second Ave.
M/S 508
Seattle, Washington 98101
(206) 442-0473

*Please note: The Cleveland office handles complaints against elementary and secondary schools only. Complaints against colleges and universities anywhere in Region V should be addressed to Kenneth Mines in the Chicago office.

## Sample Letter for Filing a Title IX Complaint

_____, Director

Office for Civil Rights, Region _____

U.S. Department of Health, Education and Welfare

*Address for your region*

Dear _____:

I am/We are filing a complaint of sex discrimination under Title IX of the Education Amendments of 1972 against *name and address of school district, college or other institution receiving federal education aid.*

*The next paragraph should explain what person or group of people you believe is being discriminated against. You need only identify them generally—"the girls in sixth grade gym classes," for example—unless it's just one or two people who have been victims of specific acts of discrimination. In that case it would be helpful to give HEW their names and addresses, though it is not required.*

*Follow this with as complete a description of the sex discrimination as you can. Make sure to tell what happened, when it happened and if the discrimination is still going on. Attach any evidence you may have which supports the complaint, such as letters, student handbooks, and so on. Name any people you think were responsible for the discrimination and their position in the school.*

The following people have agreed to provide further information to your staff. *Here, list the people willing to talk to HEW. Explain how they can provide valuable information relating to your complaint, and tell HEW where they can be reached. If their names must be kept confidential, note this as well.*

I/We ask that you investigate this complaint immediately and notify me/us when the investigation will begin. Please keep me/us advised of the status of the investigation. And please send me/us a copy of your findings as soon as they are sent to *name of school district or college.* In addition, please send me/us copies of all correspondence with *name of institution.*

Sincerely,

*Name*

*Address*

*Daytime phone number, unless you prefer not to receive calls about the complaint at work.*

*If you are sending copies of your complaint to other persons, list them below. For example:*

cc: *School Board*
*Senators*
*Members of Congress*
*Governor*
*State Legislators*
*Local Organizations*
*National Organizations*
*Newspapers*
**PEER**